



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No. 23-078

For business meeting on: May 12, 2023

Title

Trial Court Budget: Court Interpreter
Employee Incentive Grant Award
Recommendations for Cycle 2, Fiscal Year
2022–23

Agenda Item Type

Action Required

Effective Date

May 12, 2023

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

April 20, 2023

Recommended by

Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair
Ms. Rebecca Fleming, Vice-Chair

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Executive Summary

The Trial Court Budget Advisory Committee recommends grant awards to nine superior courts that applied for grants for Cycle 2, fiscal year 2022–23, to implement Senate Bill 170, which amended the 2021 Budget Act and provides \$30 million in one-time General Fund through the establishment of the Court Interpreter Employee Incentive Grant (CIEIG). The CIEIG provides funding for one year of salary and training costs to help establish new, full-time court interpreter employee positions. This funding is available until June 30, 2024.

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective May 12, 2023:

1. Approve the proposed allocations for the Court Interpreter Employee Incentive Grant for fiscal year 2022–23; and

2. Direct Judicial Council Budget Services staff to distribute grant awards to courts no later than the June 2023 distribution.

This recommendation was presented to the Judicial Branch Budget Committee on March 14, 2023, and approved for consideration by the Judicial Council.

Relevant Previous Council Action

Following an application process, the council approved the Cycle 1 allocations for the CIEIG on May 10, 2022 (see Link A). All nine superior courts that applied for Cycle 1 funding were awarded grants and received their grant allocation in the June 2022 distribution.¹ Approximately \$2.5 million was allocated to the courts in Cycle 1. Because there was remaining funding of \$27.5 million, the council also directed Judicial Council Budget Services and Language Access Services staff to initiate a future grant application cycle for FY 2022–23 (Cycle 2).

Analysis/Rationale

SB 170 (Stats. 2021, ch. 240) amended the 2021 Budget Act in September 2021 and provided an additional \$30 million in one-time General Fund to the Court Interpreters Program Fund as restricted funding for one-year grants that support a year of salary and training and are intended to help the superior courts to create new, full-time court interpreter employee positions (see Attachment A).

Per SB 170, a goal of the grant funding is to help courts reduce or, at a minimum, maintain the overall percentage spent on independent interpreter contractors or part-time interpreter employees to 20 percent or less. Courts are expected to maintain grant-funded positions beyond the grant year as long-term positions.

There are two categories of grants under the CIEIG, and courts are permitted to apply for only one of the two:

- Category 1—\$18 million is dedicated to one year of salary and associated costs, including training, for new, full-time court interpreter employee positions.
- Category 2—\$12 million is dedicated to one year of salary and associated costs, including training, for new, full-time court interpreter employee positions to provide out-of-courtroom and in-courtroom services.

To be eligible for category 1 grant funding, the court must demonstrate that for at least two consecutive years in the previous four years it spent more than 20 percent of its interpreter funds on interpreter contractors or part-time interpreter employees who provided services in any of the

¹ The nine courts included the Superior Courts of Alameda, Kern, Marin, Mendocino, San Benito, San Bernardino, San Diego, Shasta, and Ventura Counties.

languages listed in Civil Code section 1632(b): Spanish, Chinese (Mandarin, Cantonese), Tagalog, Vietnamese, or Korean.

To be eligible for category 2 grant funding, the court must demonstrate that at least 80 percent of interpreter services in any of the languages listed in Civil Code section 1632(b) are currently provided by court interpreter employees.

Courts may apply for grants to hire interpreters in any certified (including American Sign Language) or registered languages if the court can demonstrate that there is a local need for interpreter employees in these languages. Courts must use grant funds to create new, full-time interpreter employee positions and may not use funds to support current interpreter vacancies. Courts may convert part-time interpreter positions into full-time positions, if the funding helps reduce or maintain the overall percentage spent on interpreter contractors or part-time interpreter employees to 20 percent or less. Grants cannot be used for wage increases for current positions.

Cycle 1, 2021–22

For Cycle 1, 2021–22, a total of nine superior courts applied for the CIEIG. Six courts applied for category 1 grants, and three courts applied for category 2 grants. For the \$18 million available for category 1, a total of approximately \$1.645 million was requested for one year of salary and training for 12 new positions, leaving approximately \$16.355 million in remaining category 1 funding. For the \$12 million available for category 2, a total of approximately \$831,000 was requested for one year of salary and training for six new positions, leaving approximately \$11.169 million in remaining funding for category 2 (see Attachment B). As noted above, the council approved all Cycle 1 grant requests in May 2022.

One barrier to applications has been the restrictions for grants under the language of SB 170, which established the CIEIG. To accept a grant, the court must commit to retaining the court interpreter employee position beyond the grant year. Thus, the court is responsible for paying subsequent years of salary through the court’s annual Court Interpreters Program allocation or operational funds as needed.

Cycle 2, 2022–23

For Cycle 2, 2022–23, to distribute the remaining grant funding of approximately \$27.5 million, council staff initiated a second grant application process for the CIEIG.

On December 13, 2022, the guidelines, the application form, and court interpreter expenditure data were distributed to court executive officers and court staff for Cycle 2 of the CIEIG. The deadline for applications was January 27, 2023. As discussed below, several courts reapplied for grants because they have not yet been able to make hires under the Cycle 1 grants. Cycle 1–awarded courts that had not yet hired new employee interpreters were encouraged to reapply for grant funding because grant allocations were distributed on a one-time basis, and unused funding does not carry over to the next fiscal year.

For category 1, the Superior Courts of Marin,² San Benito, Shasta, and Ventura Counties reapplied for a total of six new, full-time court interpreter positions in Mixteco (1) and Spanish (5). The Kern and Mendocino courts did not reapply for six Spanish interpreter positions, citing difficulties with recruitment. The Glenn and San Mateo courts did not previously apply for Cycle 1 funding and requested a total of five new, full-time court interpreter positions in Spanish. The Glenn and San Mateo courts stated that the new positions would reduce the need to hire interpreter contractors on a daily basis to cover current calendars, as well as save on staff time used for securing contractors.

For category 2, the Superior Courts of Alameda, San Bernardino,³ and San Diego Counties reapplied for a total of seven new, full-time court interpreter positions, including for American Sign Language (1), Certified Deaf Interpreter (1), Cantonese (1), Mandarin (1), and Spanish (3).

For category 1, a total of approximately \$1.574 million was requested for one year of salary and training for 11 new positions, leaving approximately \$14.780 million in remaining funding for category 1. For category 2, a total of approximately \$1.051 million was requested for one year of salary and training for seven new positions, leaving approximately \$10.118 million in remaining funding for category 2 (see Attachment C). To date, approximately \$5.102 million has been requested out of the \$30 million available (see chart below).

CIEIG, Cycle 1 Requests		CIEIG, Cycle 2 Requests	
Balance Available	\$30,000,000	Balance Available	\$27,523,692
Category 1 Requests	-1,645,412	Category 1 Requests	-1,574,136
Category 2 Requests	-830,896	Category 2 Requests	-1,051,369
Total Requested	-2,476,308	Total Requested	-2,625,505
Remaining Balance	\$27,523,692	Remaining Balance	\$24,898,187

In January 2023, council staff conducted a survey of Cycle 1 courts, and all nine superior courts responded on the survey that they have been unable to fill the new interpreter positions during the period July 1–December 31, 2022. The courts stated that they are having great difficulties with recruitment due to the low number of qualified interpreter candidates and other hurdles with attracting candidates, including court location, cost of housing, and less competitive salary. One court stated delays in posting for the positions were due to the process of creating new job

² For Cycle 2, the Marin court’s grant request is for a full-time interpreter position. (The Cycle 1 request was for converting a part-time position into a full-time position.)

³ For Cycle 2, the San Bernardino court’s grant request is for three full-time interpreter positions. (The Cycle 1 request was for two positions.)

classifications. For these reasons, several courts from Cycle 1 reapplied for grant funding in Cycle 2 in hopes of filling the positions they had requested for Cycle 1. Because the applicant courts have identified a need for new court interpreter employee positions, it is recommended that courts be funded as requested to support establishment of new positions.

Policy implications

None.

Comments

The committee received no comments on this proposal, which did not circulate for comment.

Alternatives considered

The guidelines and application process for Cycle 2 were developed consistent with the budget language of SB 170. The purpose of the CIEIG is limited to grants to support the establishment of new, full-time court interpreter employee positions as described in the budget language.

Fiscal and Operational Impacts

Upon council approval at its May 2023 business meeting, courts will be notified that they have been approved for Cycle 2 grant awards. Grant funding is anticipated to be distributed no later than June 2023. Council staff in Language Access Services will assist courts with recruitment for new positions supported under the grants. The one-time grants awarded in 2022–23 will be available for expenditure or encumbrance until June 30, 2024. There will not be a third grant cycle.

In July 2023, council staff will distribute another semiannual survey for the period January 1–June 30, 2023, and will continue to conduct the survey to awarded courts every six months through the life cycle of the grants, which end June 30, 2024. After the grant period ends on June 30, 2024, council staff will prepare a final memorandum for the Trial Court Budget Advisory Committee on the status of the grants and positions.

Council staff will need to reconcile the unused grant allocations from Cycles 1 and 2 at the end of 2022–23 and 2023–24, respectively. The CIEIG funding is intended only to cover one year of salary and training for new interpreter positions, so unused funds will be collected for return to the General Fund.

The court must demonstrate that a new, full-time employee hired pursuant to this grant is intended to remain employed beyond the grant year to replace a roughly equivalent expenditure on independent contractor interpreter services, reducing or maintaining contractor expenses to 20 percent or less. Courts will have more than one year to accomplish this goal. (The budget language does not include a time frame for reaching the 20 percent threshold.) If an interpreter employee funded under the grant for one year of salary leaves the court before 12 months, the court will notify council staff and will need to return unspent grant funding.

Attachments and Links

1. Attachment A: SB 170, Budget Act of 2021
2. Attachment B: CIEIG Awards for FY 2021–22 (Cycle 1)
3. Attachment C: Proposed CIEIG Awards for FY 2022–23 (Cycle 2)
4. Link A: Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: Court Interpreter Employee Incentive Grant Award Recommendations* (May 10, 2022) (circulated as CO-22-02), <https://jcc.legistar.com/View.ashx?M=F&ID=10760445&GUID=FE0391BB-64E9-44C7-A492-C43D3693F709>

SB 170, Budget Act of 2021

Item 0250-101-0932, Provision 29

The Court Interpreter Employee Incentive Grant is hereby created. Of the amounts appropriated in Schedule (4), \$30,000,000 shall be allocated by the Judicial Council as follows:

- (a) Of this amount, \$18,000,000 shall be allocated as one-time grants to eligible local courts. This funding shall pay for the first year of employment and associated costs, including training, of any new hire of a court interpreter employee if all of the following conditions are met:
 - (1) The local court can demonstrate that for at least two consecutive years in the previous four years it spent more than 20 percent of its interpreter funds on independent contractor interpreters or part-time employees who provided services in any of the languages described in subdivision (b) of Section 1632 of the Civil Code.
 - (2) The local court can demonstrate that the grant will be exclusively used to hire full-time court employee interpreters providing language interpreter services for the languages described in subdivision (b) of Section 1632 of the Civil Code, in order to reduce the percentage of the court's interpreter funds spent on independent contractors or part-time employees to 20 percent or less than 20 percent.
 - (3) The local court can demonstrate that a new full-time employee hired pursuant to this grant is intended to remain employed beyond the grant year to replace a roughly equivalent expenditure on independent contractor interpreter services.
 - (4) The local court commits to retaining the court interpreter employee position beyond the grant year.
 - (5) Nothing in this subdivision is intended to reduce the amount of funding provided statewide or to local courts for interpreter services, and the amounts allocated by this provision cannot be used to supplant an existing, pending, or prior interpreter employee position.
- (b) Of this amount, \$12,000,000 in one-time grants, shall be allocated by the Judicial Council, to increase language access in local courts through the hiring of certified court interpreter employees who shall provide interpreter services inside courthouses in support of court users. "Interpreter services" includes assistance at self-help centers and interpreting interviews between district attorneys and witnesses and criminal defense attorneys and their clients. A local court is eligible to receive these funds only if at least 80 percent of interpreter services in the languages described in subdivision (b) of Section 1632 of the Civil Code are provided by court interpreter employees.
- (c) Courts may apply for grants to hire interpreters in other languages if the court can demonstrate that there is a local need for interpreter employees in other languages.
- (d) The \$30 million for one-time grants in fiscal year 2021-22 shall be available for expenditure or encumbrance until June 30, 2024.

Attachment B: CIEIG Awards for FY 2021-22 (Cycle 1)
Funding was awarded in May 2022 and distributed in June 2022
Category 1 - \$18 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Marin	1	Spanish	\$ 63,378.37	\$ 63,378.37
Mendocino	1	Spanish	\$ 159,345.00	\$ 159,345.00
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	\$ 801,170.00
San Benito	1	Spanish	\$ 114,000.00	\$ 114,000.00
Shasta	1	Spanish	\$ 131,767.42	\$ 131,767.42
Ventura	1	Spanish	\$ 125,250.47	
Ventura	1	Spanish	\$ 125,250.47	
Ventura	1	Mixteco	\$ 125,250.47	\$ 375,751.41
			Total Requested:	\$ 1,645,412.20
			Total Provided for Grants:	\$ 18,000,000.00
			Amount Remaining:	\$ 16,354,587.80

Category 2 - \$12 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Alameda	1	Chinese	\$ 130,040.00	
Alameda	1	ASL	\$ 130,040.00	
Alameda	1	Deaf (CDI)	\$ 130,040.00	\$ 390,120.00
San Bernardino	1	Spanish	\$ 143,016.00	
San Bernardino	1	Spanish	\$ 143,016.00	\$ 286,032.00
San Diego	1	Spanish	\$ 154,744.00	\$ 154,744.00
			Total Requested:	\$ 830,896.00
			Total Provided for Grants:	\$ 12,000,000.00
			Amount Remaining:	\$ 11,169,104.00

Attachment C: Proposed CIEIG Awards for FY 2022-23 (Cycle 2)
Funding to be awarded in May 2023 and distributed in June 2023 (TBD)
Category 1 - \$18 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Glenn	1	Spanish	\$ 165,000.00	\$ 165,000.00
Marin	1	Spanish	\$ 130,296.64	\$ 130,296.64
San Benito	1	Spanish	\$ 107,000.00	\$ 107,000.00
San Mateo	1	Spanish	\$ 158,970.00	
San Mateo	1	Spanish	\$ 158,970.00	
San Mateo	1	Spanish	\$ 158,970.00	
San Mateo	1	Spanish	\$ 158,970.00	\$ 635,880.00
Shasta	1	Spanish	\$ 138,662.62	\$ 138,662.62
Ventura	1	Spanish	\$ 132,432.12	
Ventura	1	Spanish	\$ 132,432.12	
Ventura	1	Mixteco	\$ 132,432.12	\$ 397,296.36
			Total Requested:	\$ 1,574,135.62
			Total Remaining Funding Available:	\$ 16,354,587.80
			Amount Remaining:	\$ 14,780,452.18

Category 2 - \$12 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Alameda	1	Cantonese	\$ 138,156.71	
Alameda	1	ASL	\$ 145,583.40	
Alameda	1	Deaf (CDI)	\$ 145,583.40	\$ 429,323.51
San Bernardino	1	Mandarin	\$ 152,015.00	
San Bernardino	1	Spanish	\$ 152,015.00	
San Bernardino	1	Spanish	\$ 152,015.00	\$ 456,045.00
San Diego	1	Spanish	\$ 166,000.00	\$ 166,000.00
			Total Requested:	\$ 1,051,368.51
			Total Remaining Funding Available:	\$ 11,169,104.00
			Amount Remaining:	\$ 10,117,735.49